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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,968	02/21/2004	John G. Bate	0210-003	4411

7590 03/07/2007  
POTOMAC PATENT GROUP PLLC  
Attention: Michael G. Savage  
P.O. Box 855  
McLean, VA 22101-0855

EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/783,968

Applicant(s)

BATE ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/12/2007 (the RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is an answer to the RCE received on 2/12/2007.
2. Claims 1-13 are pending in this application.

**Response**

3. According to the latest remark (a claimed step of monitoring a vehicle's speed is performed from inside the monitored vehicle), this arguable point is very obvious in each vehicle (a speed-monitoring "READY" feature – this term is similar as saying "HD Ready" on a TV, because every car equipped with an speedometer having a "signal" that displays a current speed of a vehicle, that signal can be split to feed into other systems that require (or having a need). The examiner respectfully maintains prior rejections since cited art suggest claimed steps or can easily be implemented by Gray (US Pat. 6,998,727).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muise et al. (US Pat. 6,072,248), in view of Gray (US Pat. 6,998,727).

A. As to independent claims 1, 7, and 13: According to what the applicants claim, Muise et al. already suggested a method, a system, and a medium for controlling a vehicle, comprising:

- reducing a speed of the vehicle in response to a vehicle shutdown signal (i.e., transmitting a signal to slow down the vehicle below idling speed, and then to stall the engine by total fuel shut-off - see Muise et al., the abstract, and col. 2 lines 16-26),
- monitoring a speed of the vehicle, and determining whether a vehicle speed is decreasing (i.e., by manually or automatically with equipments viewing/observing, and estimation from a POLICE CRUISER, see Muise et al., Fig. 4C).
- This feature is also very obvious in each vehicle for using an odometer to generate a signal showing a current speed of that vehicle (e.g. Gray, col. 8 lines 8-24, *"In determining the "intent to stop" criterion in step 304, the CPU 28 compares the lowest speed achieved in step 301 to a pre-programmed value selected to indicate a driver's intent to stop. While determining a driver's intent to stop may be determined in several different ways, in one embodiment, an intent to stop the vehicle is assumed when the vehicle speed falls below a selected level. While this threshold speed may be set at any point, in one embodiment, it is set at 5 mph, such that an intent to stop is registered by the system when the vehicle speed falls equal to or below 5 mph. When vehicle speed is reduced a level that indicates an intent to stop the vehicle step 301, the regenerative braking function which follows (step 302), increases the likelihood that the available energy stored in the energy storage device 26 will be enough to power the vehicle 10 with the secondary power source 18 for an adequately long enough period of time to minimize or avoid drivability issues."*).

Although Muise et al. do explicitly disclose that monitoring speed of a vehicle inside that vehicle. They already teach of using command signals to control a subject vehicle (this is the claimed concept), and those command signals could easily be generated from a source inside that subject vehicle (not necessary a signal arriving from an outside source).

The following IF condition is decided for a “YES” or “NO” answer; the examiner assumes that, according to claimed language (i.e., “at least one”, IF is “FALSE” (i.e., the vehicle speed IS DECREASING), then the claimed steps STOP HERE (no more requirement is necessary).

- IF “True”, (i.e., vehicle’s speed is NOT decreasing) reducing operating power level of the vehicle’s engine (see Muise et al., claims 5, and 15);

Muise et al. also use a reference speed to stop the vehicle (i.e., a speed has reached a predetermined level – see Muise et al., col.3 lines 53-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Muise et al. and Gray to disclose that a vehicle speed is monitored from inside that vehicle for the advantage of using an available vehicle’s speed signal from the same vehicle to feed other systems that have a need for that vehicle’s speed signal for controlling a vehicle.

B. As to claims 2-3, and 8-9: The rationale and references for above rejection of claim 1 are incorporated.

Muise et al. also teach that vehicle shutdown signal is generated in response to a predetermined condition – such as operating by an unauthorized operator (see Muise et al., col. 2 lines 30-38).

C. As to claims 4, and 10: The rationale and references for above rejection of claim 1 are incorporated.

Muise et al. also teach that vehicle shutdown signal is transmitted to the vehicle with a transmitter P (see Muise et al., Figs. 4A-4C).

D. As to claims 5, and 11: The rationale and references for above rejection of claim 1 are incorporated.

Muise et al. also teach that a reduction is initiated by interrupting a fuel supply to the engine of the vehicle (see Muise et al., Fig. 2C refs. 4, 9; and claim 15).

E. As to claims 6, and 12: The rationale and references for above rejection of claim 8 are incorporated.

Muise et al. also teach that after stopping the vehicle, the engine of the vehicle can be started in response to a second predetermined condition (i.e., "after vehicle recovery, a subsequent transmission from the police transmitter, such as a coded number of impulses, may reset the management system or multi-stage valve for resumption of operation." - see Muise et al., col. 5 lines 58-61).

### **Conclusions**

5. Claims 1-13 are not patentable.

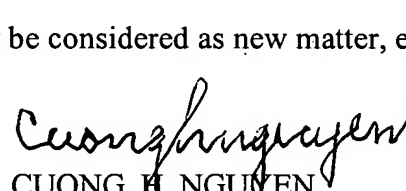
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (or email address of: cuong.nguyen@uspto.gov). The examiner can be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The fax phone

number for the organization where this application is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661